

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-292-WS**

IN RE:

**Application of Carolina Water Service,
Inc. for Adjustment of Rates and
Charges and Modification to Certain
Terms and Conditions for the Provision
of Water and Sewer Service**

**MOTION TO QUASH SUBPOENA
DUCES TECUM**

**TO: Charles L.A. Terreni, Esq., Scott Elliott, Esq. and John M. Hoefer, Esquire, Counsel
for the Applicant, Carolina Water Service, Inc.:**

South Carolina Office of Regulatory Staff (“ORS”) and its witness Bill Stangler, a non-party witness, object to the subpoena duces tecum, a copy of which is attached hereto on as Exhibit A, served on Bill Stangler on August 30, 2018, and moves the Public Service Commission of South Carolina (“Commission”) to quash the subpoena and the requests for production of documents contained therein in “Subpoena Duces Tecum Attachment.” In support of this motion, ORS and Mr. Stangler show the following to the Commission:

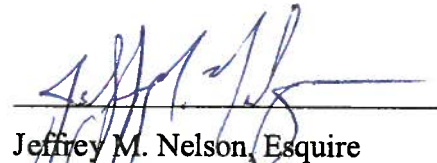
1. The subpoena duces tecum was served on Mr. Stangler on August 30, 2018.
2. The requests for documents are overly broad, seek records and documents already in the possession of Carolina Water Service, Inc. (“CWS”) and its attorneys, seek records and documents available from other sources including sources accessible to CWS and its attorneys, and seek materials prepared in preparation for trial which are privileged or otherwise entitled to protection.
3. With regard to the specific requests, ORS and Mr. Stangler state the following objections to the unnumbered paragraphs 1 through 10 contained in the Subpoena Duces Tecum Attachment:
 - a. Unnumbered paragraph 1 – Mr. Stangler reviewed orders of the court issued in the federal court case *Congaree Riverkeeper, Inc. vs. Carolina Water Service, Inc.*

(3:15-cv-00194-MBS) and prefiled testimony of witnesses in the rehearing presently before the Commission. As a party to the federal case and the instant proceeding before the Commission, CWS or its attorneys should already possess the records requested. Further, these records are available to CWS via the federal court Public Access to Court Electronic Records (“PACER”) service and the Case Management/Electronic Case Files (“CM/ECF”) system (collectively referred to as “PACER” herein) and also on the Commission’s Docket Management System in the instant docket.

- b. Unnumbered paragraph 2 – See response to unnumbered paragraph 1.
- c. Unnumbered paragraph 3 - Records sought under this paragraph are trial preparation materials which are privileged or otherwise entitled to protection pursuant to Rule 26(a)(5). Documents include emails and draft testimony with edits and comments.
- d. Unnumbered paragraph 4 – Other than correspondence with ORS counsel or his counsel (which are trial preparation materials are are privileged or otherwise entitled to protection pursuant to Rule 26(a)(5)), Mr. Stangler has no written or documentary records with others related to this proceeding.
- e. Unnumbered paragraph 5 – See response to unnumbered paragraph 1.
- f. Unnumbered paragraph 6 - Mr. Stangler has no records responsive to this paragraph.
- g. Unnumbered paragraph 7 – Mr. Stangler has no records responsive to this paragraph.
- h. Unnumbered paragraph 8 - Records sought under this paragraph are trial preparation materials which are privileged or otherwise entitled to protection pursuant to Rule 26(a)(5).
- i. Unnumbered paragraph 9 – This request is unduly burdensome as CWS and its attorneys, as a party to the federal case, should have all the materials requested in this paragraph. Further, these materials are available to CWS and its attorneys via the federal PACER system.
- j. Unnumbered paragraph 10 – Mr. Stangler has no records responsive to this paragraph.

WHEREFORE, ORS and witness Bill Stangler move the Commission to quash the subpoena duces tecum and order that Mr. Stangler need not produce the requested documents.

This 5th day of September, 2018.



Jeffrey M. Nelson, Esquire
Florence Belser, Esquire
SC Office of Regulatory Staff
1401 Main Street, Suite 850
Columbia, South Carolina 29201
(803) 737-0800
jnelson@regstaff.sc.gov
fbelser@regstaff.sc.gov

EXHIBIT 1

TERRENI
LAW FIRM, LLC

CHARLES L.A. TERRENI
ATTORNEY AT LAW

1508 LADY STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 771-7228
EMAIL CHARLES.TERRENI@TERRENILAW.COM
WWW.TERRENILAW.COM

August 30, 2018

VIA HAND DELIVERY

Mr. Bill Stangler
Congaree Riverkeeper, Inc.
1001 Washington Street
Columbia, South Carolina
29201

RE: Application of Carolina Water Service, Inc.; SC PSC Docket No. 2017-292-WS

Dear Mr. Stangler:

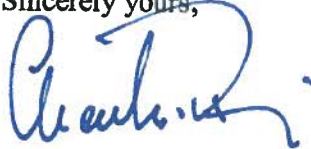
Enclosed please find a Subpoena Duces Tecum in the above-referenced proceeding, which is hereby served upon you. As you will note, the Subpoena is requesting documents relating to your pre-filed testimony on behalf of the South Carolina Office of Regulatory Staff in the above-referenced proceeding.

As you are aware from the Subpoena, under Rule 45 of the South Carolina Rules of Civil Procedure, a Subpoena must be responded to appropriately, objected to, or a motion to quash filed. Please enclose with your production and invoice me for any copying charges involved with my request.

Should have any questions concerning this matter, or if there are any problems with your ability to comply with this request, please do not hesitate to contact me.

With best wishes, I am,

Sincerely yours,



Charles L.A. Terreni

Enclosure
CLAT/

cc: Jeffrey M. Nelson, Esquire
Florence P. Belser, Esquire
Andrew M. Bateman, Esquire
Laura P. Valtorta, Esquire
Mr. James S. Knowlton
Scott Elliott, Esquire

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-2927-WS**

IN RE:

Application of Carolina Water Service,
Inc. for Approval of an Increase in Its
Rates for Water and Sewer Services.

SUBPOENA DUCES TECUM

TO: BILL STANGLER, 1001 WASHINGTON STREET, COLUMBIA, SC, 29201:

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control as shown on Attachment A hereto, at the place, date and time specified below.

PLACE:


S.C. Public Service Commission
Hearing Room
101 Executive Center Drive
Columbia, South Carolina
29210

DATE AND TIME:

Thursday, September 6, 2018
10:00 a.m.

Any subpoenaed organization not a party to this proceeding is hereby directed pursuant to Rule 30(b)(6), South Carolina Rules of Civil Procedure, to provide the attorney for Carolina Water Service, Inc. listed below a designation, to be filed with the Public Service Commission, specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which (s)he will testify or produce documents or things. The person so designated shall testify as to matters known or reasonably available to the organization.

I CERTIFY THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(C)(1), SCRCF, AND THAT NOTICE AS REQUIRED BY RULE 45(B)(1) HAS BEEN GIVEN TO ALL PARTIES



Attorney/Issuing Officer's Signature

August 30, 2018
Date

Charles L. A. Terreni
Print Name

SUBPOENA DUCES TECUM ATTACHMENT

All documents which you have reviewed related to or referenced in your pre-filed testimony in the above-captioned proceeding;

All written or documentary information upon which you rely in the formation of any opinions you express or any statement of fact made in your pre-filed testimony in the above-captioned proceeding;

All written or documentary information received by you from any attorney or any other person or entity which relates to the above-captioned proceeding, including that which relates to your pre-filed testimony therein;

All written or documentary information sent to anyone by you which relates to the above-captioned proceeding, including that which relates to your pre-filed testimony therein;

All resource materials which you rely upon in the formation of any opinions you express or any statement of fact made in your pre-filed testimony in the above-captioned proceeding;

All notes taken by you which related to the above-captioned proceeding, whether set forth in a separate writing or on another document;

Itemization of any documents reviewed by you in considering your pre-filed testimony in the above-captioned litigation which are no longer in your possession;

All drafts of your pre-filed testimony in the above-captioned, prepared by you or at your direction, including comments, notes, revisions, corrections, deletions, insertions or other notations of any form or type whatsoever;

All pleadings, motions, briefs, memoranda, affidavits, declarations, testimonies, transcripts, or other papers or filings made in the case styled "Congaree Riverkeeper, Inc. v. Carolina Water Service, Inc." pending in the United States District Court, Civil Action Number 3:15-cv-00194-MBS, and

Any and all reports, memoranda, letters, correspondence, or other communications between you and the Board of Directors, officers, employees, or authorized representatives of Congaree Riverkeeper, Inc. relating to your pre-filed testimony in the above-captioned proceeding.

PURSUANT TO RULE 45, SCRPC, YOU ARE NOT REQUIRED TO APPEAR FOR A HEARING OR DEPOSITION IN THE ABOVE-REFERENCED PROCEEDING, YOU ARE ONLY REQUIRED TO PRODUCE THE DOCUMENTS ON OR BEFORE THE DATE SHOWN ON THE SUBPOENA.

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO.

CERTIFICATE OF SERVICE

I, **CHARLES L.A. TERRENI**, hereby certify that I have, on this **30th day of August 2018**, served the **SUPBOENA DUCES TECUM to BILL STANGLER**, upon the parties listed below by electronic mail _ to the following person(s) and addresses:

Andrew M. Bateman , Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Columbia, SC 29201
Email: jnelson@regstaff.sc.gov
Phone: 803-737-0800
Fax: 803-737-0895

Email: abateman@regstaff.sc.gov
Phone: 803-737-8440
Fax: 803-737-0895

Laura P. Valtorta , Counsel
903 Calhoun Street
Columbia , SC 29201

Florence P. Belser , Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Email: laurapv@aol.com
Phone: 803-771-0828
Fax: 803-765-9261

Email: fbelser@regstaff.sc.gov
Phone: 803-737-0800
Fax: 803-737-0895

Scott Elliott , Counsel
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201

Jeffrey M. Nelson , Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900

Email: selliott@elliottlaw.us
Phone: 803-771-0555
Fax: 803-771-8010

s/ **Charles L.A. Terreni**
CHARLES L.A. TERRENI
Terreni Law Firm, LLC
1508 Lady Street
Columbia, South Carolina 29201
Telephone (803) 771-7228
Fax (803) 771-8778
Charles.terreni@terrenilaw.com

Columbia, South Carolina
May 1, 2017